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Op Ed: Toss Out Coin-flip When Vote Is Tied

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Typically, coin-flips are used to determine the order in which a contest is conducted, not the outcome itself. Think about the mid-field coin toss before the start of the Super Bowl. The referee flips a coin to see which team gets the ball first, not which team gets to go to Disney World. Other sports also shun the coin-flip to decide outcomes. Sports fans would rather sit through shoot-outs, overtimes and extra innings than cede the outcome solely to chance. But if a coin flip is anathema to the integrity of “the game,” shouldn't the same be true for our elections?

The Democratic primary for the 41st General Assembly District featured three candidates: Elissa Wright, Rita Schmidt and Michael Kindle. After all the votes were counted, it was discovered that Ms. Schmidt had beaten Ms. Wright by one vote. The closeness of the race necessitated a recount, which was performed on Aug. 10. After careful review of all ballots by the registrar of voters, it was determined that one absentee ballot had been improperly disqualified. This “new” vote was for Ms. Wright, meaning the two candidates were now tied — 457 each. (Michael Kindle garnered a very competitive 408).

Groton's registrar of voters apparently knows a lot about Connecticut's election laws, because he made sure to bring a quarter to the recount. (Yes, it was a Connecticut quarter). Allen Palmer was well aware of what so many people are just now discovering, that 50 years ago Connecticut's lawmakers decided that in a tied primary election, the best way to implement the will of the people is to ignore it. It's very clear. Under Section 9-446 of the Connecticut General Statutes, if a tie vote occurs in a primary, the primary shall be decided by lot, in other words — by chance. (Inexplicably, the rules are different for general election, in which a tie vote prompts a run-off).

Voters are the real losers

As it turned out, Ms. Wright won the coin toss and Ms. Schmidt gracefully accepted defeat, if you could call it that. The real losers, of course, are the 1,322 people who went to the polls to have a say in how Connecticut grapples with issues such as skyrocketing health-care premiums, property taxes and energy costs. Since the coin-flip, I have spoken with many voters who express frustration and disbelief with the way the election was ultimately decided. They told me that they voted because they believe in its value and accept it as a meaningful act: the coin flip undermines that.

I agree and am supporting Rep. Elissa Wright's plan to eliminate the coin-flip from our primary elections. The proposal is this: if two or more candidates for a state or district office obtain the same number of votes in a primary, a run-off election between those candidates would take place exactly three weeks later. If this had been state law last

year, all voters in Connecticut 41st General Assembly District would have had another chance to have their voice heard.

To be fair, Connecticut isn't the only state to use spare change to decide primary elections; Idaho, Minnesota, Utah, Virginia and Washington are also on the list.

Still, there are plenty of other states in which imaginative lawmakers have come up with creative ways to settle ties. Connecticut's Office of Legislative Research studied the statutes in 18 states and reported, "Hawaii, for example, determines the winner in the general election through a calculation based largely on voter turnout, the only state we found to use a mathematical formula. Candidates who tie in a Louisiana primary automatically qualify for the general election."

Tie votes are, of course, extremely uncommon in elections. In fact, there have been no other ties in Connecticut in at least 50 years. Still, there are plenty of close elections — last year one candidate for the General Assembly won by just one vote — that it makes sense to change the law. Rep. Wright has it right, and is displaying leadership and integrity by trying to change a law from which she benefited.

I share her belief that no candidate should have to worry that a tie would mean a coin-flip and, more important, no voter should fear being disenfranchised. It's time to put all elections, no matter what the outcome, into the hands of the voters.